

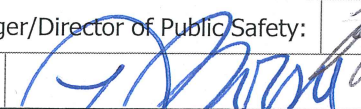
 THE CITY OF NORFOLK <small>POLICE DEPARTMENT</small>		Administrative General Order – 220: Disciplinary Procedures	
		Office of Preparation: Office of Support Services (adr)	
		CALEA:	1.1.2, 1.2.9, 26.1, 26.4, 26.5
LEGAL REVIEW DATE:	12/31/2019	PRESCRIBED DATE:	01-16-2020
City Attorney:		City Manager/Director of Public Safety:	
APPROVED BY THE AUTHORITY OF THE CHIEF OF POLICE:			

Purpose

To establish guidelines for the application of disciplinary procedures to non-probationary sworn employees. This order applies to both exempt and non-exempt sworn employees under the Fair Labor Standards Act (FLSA) and contains specific provisions limiting suspensions of exempt sworn employees as required by FLSA. Civilian employees are governed by City of Norfolk disciplinary rules as outlined in the Human Resources Administrative Policy Handbook.

Policy

It is the policy of the City of Norfolk not to retain in employment police officers who commit acts of moral turpitude. Accordingly, if the panel or board convened pursuant to Section IV. E. finds that the appealing officer has committed an act of moral turpitude, restoring such officer to duty will be contrary to the City's public policy, and it will be beyond the panel or board's authority to restore such officer to duty.

Supersedes:

1. G.O. ADM-220, dated September 23, 2015
2. Any previously issued directive conflicting with this order

Order Contents:

- I. General
- II. Corrective Actions Other Than Discipline
- III. Disciplinary Actions
- IV. Authority

I. General (CALEA 1.1.2, 26.1.1)

- A. The investigation and handling of alleged misconduct will be conducted in accordance with G.O. ADM-210: Internal Complaints.
- B. All personnel will abide by the Code of Ethics adopted by the Norfolk Police Department and will be required to take part in ethics training at least biennially as determined by the Norfolk Police Department's Training Unit.
- C. Upon employment with the Norfolk Police Department, each employee will receive a copy of the policies covering standards of conduct as contained in the City of Norfolk Department of Human Resources Employee Handbook, the City of Norfolk Department of Police - Police Recruit Manual, and the Police Officer's Manual. The employee will sign a form acknowledging receipt and a copy will be kept in their personnel file.
- D. Situations in which department personnel are involved in a vehicle accident while operating a city vehicle will be handled in compliance with G.O. OPR-310: Accident Investigation.

II. Corrective Actions Other Than Discipline (CALEA 26.1.4)

Training and counseling are positive and constructive methods of improving employee productivity and conduct and is encouraged as an alternative to disciplinary action in appropriate situations. Training and/or counseling may be undertaken by any supervisor at any time, with or without prior approval from a higher authority. Supervisors should document such training or counseling when appropriate. **Under no circumstances should counseling or training be considered disciplinary action.**

III. Disciplinary Actions (CALEA 1.2.9, 26.1.4)

- A. Personnel found in violation of orders, directives, policies, or procedures may be subject to disciplinary actions that include the following:
 - 1. Written Reprimands (Attachment A, Example Memo)
 - 2. Suspensions (Attachment B, Example Memo)
 - 3. Demotions (Attachment C, Example Memo)
 - 4. Dismissal. Decisions to terminate employment are characterized under Section 63 of the Charter of the City of Norfolk as "indefinite suspensions." (Attachment D, Example Memo)
 - 5. Notice of Charges (Attachment E, Example Memo)
- B. In keeping with State Code § 9.1-502: Notice of charges; response; election to proceed under grievance procedure of local governing body, and G.O. ADM-210: Internal Complaints, before any dismissal, demotion, or suspension without pay may

be imposed, the employee shall receive written notification of pending disciplinary actions as a Notice of Charges (Attachment E, Example Memo).

- C. Any employee who receives a Notice of Charges will be afforded an opportunity to address the charges with his/her Commanding Officer, Bureau Chief, or request a pre-disciplinary meeting with the Chief of Police prior to the imposition of discipline.

IV. Authority (CALEA 26.1.5, .6, .8)

- A. All supervisory personnel will direct and evaluate the conduct and performance of employees under their immediate supervision.
 - 1. All personnel are accountable to their immediate supervisor.
 - 2. Supervisors will be given the authority to make decisions necessary for the effective execution of their responsibilities.
- B. Corporals, Sergeants and other first line supervisors will normally have the primary responsibility for corrective action relative to minor infractions, and for reporting more serious infractions.
 - 1. While certain infractions may be considered minor when committed the first time, or when an officer is inexperienced or has not been counseled, repeated violations may be considered sufficient to warrant disciplinary action.
 - 2. An example of a minor infraction would be the violation of routine operational rules and regulations, including, but not limited to:
 - a. Failing to report for duty on time.
 - b. Uniform or equipment violations.
 - c. Poor or mediocre productivity.
 - d. Incomplete paperwork.
- C. The authority attendant to each level of supervision relative to discipline will be as follows:
 - 1. Written reprimands may be issued by Commanding Officers, Bureau Chiefs, the Chief of Police or other person acting in that capacity.
 - 2. Suspensions
 - a. Suspensions without pay of five days or less, or for not more than ten days for a second infraction within a twelve month period, may be imposed by the Chief of Police or other person acting in that capacity.
 - b. Suspensions without pay of more than five days, or for more than ten days for a second infraction within a twelve month period, may only be imposed by the Chief of Police or other person acting in that

capacity when approved by the City Manager.

- c. It is imperative that the Human Resources Department is consulted before any exempt sworn employee (presently lieutenant and above) is suspended without pay.
- 3. Demotions and dismissals may only be imposed by the Chief of Police or other person acting in that capacity when approved by the City Manager.
- D. All disciplinary actions will be coordinated with the Office of Professional Standards. All records pertaining to disciplinary actions will be forwarded to the Office of Professional Standards for proper distribution and filing.
- E. The appeal of disciplinary action may be pursued through one of the following established procedures:
 - 1. A grievance under the City of Norfolk Employee Grievance Procedure.
 - 2. An appeal to the Norfolk Police - Fire Trial Board under Section 63 of the Charter of the City of Norfolk.
 - 3. An appeal to a departmental panel under the Law Enforcement Officer's Procedural Guarantees Statute, State Code §9.1-500 through 9.1-507.
- F. In keeping with procedures outlined in G.O. ADM-230: Grievance File Maintenance, records related to an employee's grievance will be kept in files separate from other files relating to the employee.

Related Documents:

- 1. G.O. ADM-210: Internal Complaints
- 2. G.O. ADM-230: Grievance File Maintenance
- 3. G.O. OPR-310: Accident Investigation
- 4. Police Officer's Manual
- 5. City of Norfolk, Employee Grievance Procedures
- 6. City of Norfolk, Charter

Attachments:

- A. Letter of Reprimand, Example Memo
- B. Suspension, Example Memo
- C. Demotion, Example Memo
- D. Indefinite Suspension (Dismissal), Example Memo
- E. Notice of Charges, Example Memo



THE CITY OF
NORFOLK
POLICE DEPARTMENT

Intra Departmental Memorandum

TO: Police Officer XXX via Commanding Officer, XXX Division

FROM: Chief of Police

COPIES TO: Distribution List

SUBJECT: Office of Professional Standards Control No. PS200X-XXXX

DATE: (Date)

EXAMPLE MEMO

Letter of Reprimand

You are hereby issued this Letter of Reprimand for violation of Norfolk Police Departmental Policies and Procedures as follows:

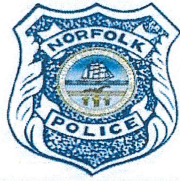
BODY OF CHARGES IN THIS SECTION

In the event you wish to appeal this action, you should immediately review Norfolk Police Department General Order ADM-220: Disciplinary Procedures, Section 63 of the City Charter, and the City's Grievance Procedure.

L.D. Boone
Chief of Police

LDB/xxx

cc: City Manager
City Attorney
Director of Human Resources
Office of Professional Standards
Personnel Division



THE CITY OF
NORFOLK
POLICE DEPARTMENT

Intra Departmental Memorandum

TO: Employee

FROM: Chief of Police

COPIES TO: Distribution List

SUBJECT: Office of Professional Standards Control # XXXXX-XXXX

DATE: (Date)

EXAMPLE MEMO

CERTIFICATE OF SUSPENSION

You are hereby suspended for a period of four workdays for violation of Norfolk Police Departmental Policies and Procedures as follows:

BODY OF CHARGES AND ALLEGATIONS

This suspension shall be effective on [date] through [date]. Prior to commencing this period of suspension, you will surrender your badge, service weapon, and identification card to your Commanding Officer.

In the event you wish to appeal this action, you should immediately review Virginia Code, Section 9.1 – 502, General Order ADM-220, Section 63 of the City Charter, and the City's Grievance Procedure.

L.D. Boone
Chief of Police

LDB/xxx

cc: City Manager
City Attorney
Director of Human Resources
Office of Professional Standards
Payroll
Personnel Division
Police-Fire Trial Board



THE CITY OF NORFOLK

POLICE DEPARTMENT

Intra Departmental Memorandum

TO: Employee via CO

FROM: Chief of Police

COPIES TO: Distribution List

SUBJECT: Office of Professional Standards Control # XXXXXX-XXXX

DATE: (Date)

EXAMPLE MEMO

CERTIFICATE OF DEMOTION

With the approval of the City Manager, you are hereby demoted to the rank of XXX for violations of Norfolk Police Departmental Policies and Procedures as follows:

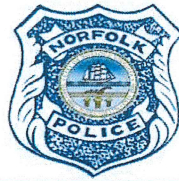
BODY OF CHARGES AND ALLEGATIONS

In the event you wish to appeal this action, you should immediately review Virginia Code, Section 9.1 – 502, General Order ADM-220, Section 63 of the City Charter, and the City's Grievance Procedure.

L.D. Boone
Chief of Police

LDB/xxx

cc: City Manager
City Attorney
Director of Human Resources
Office of Professional Standards
Payroll
Personnel Division
Police-Fire Trial Board



THE CITY OF NORFOLK[®]

POLICE DEPARTMENT

Intra Departmental Memorandum

TO: Officer XXX via C.O., XXX Division

FROM: Chief of Police

COPIES TO: Distribution List

SUBJECT: Internal Affairs Division Control No. XXXXXXXX (LDB)

DATE: (Date)

EXAMPLE MEMO

CERTIFICATE OF INDEFINITE SUSPENSION

With the approval of the City Manager, in her capacity as the Director of Public Safety, you are hereby suspended from duty indefinitely for violations of departmental policies and procedures as attached.

Your suspension is effective immediately. You will surrender all issued police equipment to your Commanding Officer prior to commencing this period of suspension.

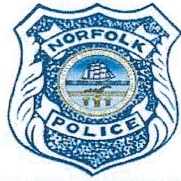
This is, in effect, a decision to terminate your employment subject only to your rights of appeal under Virginia Code Section 9.1-502, as implemented by General Order ADM-220, Section 63 of the City Charter, and the City's Grievance Procedure within the applicable time limits which shall commence upon your receipt of this certificate.

The Human Resources Director or his designee will provide you with a statement of the status of your fringe and retirement benefits upon your separation from the Department.

L.D. Boone
Chief of Police

LDB/xxx

cc: City Manager
City Attorney
Director of Human Resources Payroll
Retirement System
Office of Professional Standards
Personnel Division
Police-Fire Trial Board



Intra Departmental Memorandum

TO: Employee

FROM: Chief of Police

COPIES TO: Distribution List

SUBJECT: Office of Professional Standards File # Year-0000

DATE: (Date)

EXAMPLE MEMO

NOTICE OF CHARGES

You are being investigated for violation of Norfolk Police Departmental Policies and Procedures as follows:

DIRECTIVE / MANUAL EXCERPT

As a result of this investigation you may be exonerated, reprimanded, suspended, demoted, or dismissed. You may, if you desire, respond orally or in writing to these charges on no later than five (5) calendar days from the date this notice is received. It will be your responsibility to ensure that any response you wish to make is received by the Commanding Officer, xxx Division, within this time period for consideration prior to any imposition of discipline.

L.D. Boone
Chief of Police

LDB/xxx

cc: City Manager
City Attorney
Director of Human Resources
Office of Professional Standards
Personnel Division